

**DOD HOTLINE INVESTIGATION 200901028/200901075/200901076
10 DEC 2009**

**Section 1: Investigators and Identifying Information and
Location of Working Papers:**

a. Investigators and Identifying Information:

b7c

b7c

b. Location of Working Papers:

Commander, Naval Surface Forces
Office of the Inspector General
2841 Rendova Road
San Diego, CA 92155-5490

Section 2: Background and Summary:

a. Hotline control #s, Dates of Receipt and Tasking Dates:

This case was originally received by the Commander, Naval Forces Japan, (CNFJ) Inspector General's Office on 6 Jun 2009 and was assigned NIGHTS Case Number 200901028. Two additional complainants made similar complaints against the same subject and submitted them to the CNFJ IG's office during the same time period. On 11 June, CNFJ IG requested, via NIGHTS, that Commander, Navy Installations Command (CNIC) IG take control of the case; CNIC transferred the case to Navy Inspector General (NAVINGEN) on that same day. On 15 July, the case was transferred to Commander, U.S. Pacific Fleet (CPF) IG. Case was tasked to Commander, U.S. Naval Surface Forces (CNSF) IG on 20 July. **IO Note:** Per direction from NAVINGEN, allegations from case numbers 20090128, 200901075 and 200901076 will be addressed in a single report of investigation (ROI).

b. Summary of the complaint: Three confidential complaints were received that named [redacted] b7c, [redacted] b7c as a subject. Among the

allegations made were that [redacted] [redacted] repeatedly verbally abused her crew and committed assault. The complaints further alleged that [redacted] hazarded COWPENS through poor seamanship and by issuing hazardous orders. Additionally, the complaints allege that [redacted] [redacted] qualification program was deficient, that [redacted] used [redacted] position [redacted] [redacted] held at [redacted] home, that [redacted] requested [redacted] that were in [redacted] care, that [redacted] failed to properly train and qualify the newly reported Ensigns and Lieutenants Junior Grade aboard COWPENS, and that [redacted] endangered [redacted] crew by failing to follow proper procedures for disposing of waste while at sea.

c. Additional Information: None.

d. Summary of Outcome of Investigation: COMNAVSURFOR IG investigated the following eight allegations:

(1) That [redacted] verbally abused [redacted] subordinates by publicly berating and belittling them during the period of [redacted] [redacted], from March of 2008 through July of 2009, in violation of Uniform Code of Military Justice (UCMJ) Article 92, Failure to obey a lawful order or regulation, to wit: U.S. Navy Regulations, Article 802 (Responsibility) and U.S. Navy Regulations Article 1023 (Abuse of Authority), is **substantiated**.

(2) That [redacted] assaulted [redacted] subordinates during the period of [redacted] [redacted], from March of 2008 through July of 2009, in violation of UCMJ Article 128, Assault, is **substantiated**.

(3) That [redacted] improperly hazarded COWPENS throughout the period of [redacted] [redacted], from March of 2008 through July of 2009 by issuing unsafe orders to bridge watchstanders in violation of UCMJ Article 110, Improper Hazarding of a Vessel, is **unsubstantiated**.

(4) That [redacted] was derelict in the performance of [redacted] duties by not qualifying an Engineering Officer of the Watch from February 2009 to July 2009, despite the fact that there were two Chief Petty Officers awaiting their qualification boards, in violation of UCMJ Article 92, Failure to obey an order or regulation, to wit: OPNAVINST 3500.34A, Personnel Qualification Standards Program, and COMNAVSURFORINST 3540.3A, Engineering Department Organization and Regulations Manual, is **unsubstantiated**.

(5) That [b7C] used [b7C] office for personal gain in the winter of 2008 by using [b7C] position [b7C], in violation of the Joint Ethics Regulations (JER), section 2-301(b), Use of Federal Government Resources, and 5 Code of Federal Regulations (CFR) 2635.702, Use of public office for private gain, is substantiated.

(6) That [b7C] used [b7C] [b7C], in violation of the Joint Ethics Regulations (JER), section 2-301(b), Use of Federal Government Resources, and 5 Code of Federal Regulations (CFR) 2635.705b, Use of Official Time, is substantiated.

(7) That [b7C] was derelict in the performance of [b7C] duties by failing to qualify the newly-reported Ensigns and Lieutenants Junior Grade as Surface Warfare Officers in a timely fashion from February 2008 through summer of 2009, in violation of UCMJ Art. 92, Failure to obey an order or regulation, to wit: U.S. Navy Regulations, Article 0821 (Training and Education); OPNAV Instruction 3500.34F, Personnel Qualification Standards (PQS) Program; Commander, Naval Surface Forces Instruction 1412.1A CH-1, and Naval Education and Training Command (NAVEDTRA) Instruction 43100-1J, Personnel Qualification Standards (PQS) Unit Coordinator's Guide, is substantiated.

(8) That [b7C] was derelict in the performance of [b7C] duties by failing to address waste management problems which resulted in crewmembers disposing of waste by throwing it overboard at night, starting in October 2008 which then continued through April 2009, in violation of UCMJ Art. 92, Failure to obey an order or regulation, to wit: U.S. Navy Regulations, Articles 0825 (Safety Precautions), is unsubstantiated.

Section 3. First Allegation: That [b7C] regularly verbally abused [b7C] subordinates by publicly berating and belittling them during the period of [b7C], from March of 2008 through July of 2009, in violation of Uniform Code of Military Justice (UCMJ) Article 92, Failure to obey a lawful order or regulation, to wit: U.S. Navy Regulations, Article 802 (Responsibility) and U.S. Navy Regulations, Article 1023 (Abuse of Authority), is substantiated.

a. Facts:

(1) U.S Navy Regulations Chapter 8, The Commanding Officer, Commanding Officers in General, Article 802, Responsibility, subparagraph 4 states:

The commanding officer and his or her subordinates shall exercise leadership through personal example, moral responsibility and judicious attention to the welfare of persons under their control or supervision. Such leadership shall be exercised in order to achieve a positive, dominant influence on the performance of persons in the Department of the Navy.

(2) U.S. Navy Regulations Chapter 10, Precedence, Authority and Command, Article 1023, Abuse of Authority states, "Persons in authority are forbidden to injure their subordinates by tyrannical or capricious conduct, or by abusive language."

(3) A confidential complainant alleged that, "My complaint is against the [redacted] for abuse of rank, verbal, and emotional abuse of subordinates." The complainant further stated the subject "creates an environment of fear and hostility... (and) frequently humiliates and belittles watchstanders by screaming at them with profanities in front of the CIC and bridge watch teams."

(4) Numerous witnesses stated that [redacted] routinely used language towards [redacted] subordinates that was abusive. Specific examples of this follow, but it is important to note that 29 of 36 witnesses interviewed who served under [redacted] stated that [redacted] belittled [redacted] subordinates and verbally abused [redacted] crew.

- [redacted] stated that while he was attempting to earn a qualification in the ship's Combat Information Center, [redacted] asked him, "What the fuck are you doing in Combat?" He also stated that several times he sought [redacted] out to iron out their differences or to clarify a training point. According to his testimony, she outright refused, once stating, "This is one of the reasons I hate you."

- [redacted] stated that, when he approached [redacted] by knocking on [redacted] stateroom door to present his navigation charts for [redacted] approval, [redacted] answered by saying, "What the fuck are you standing there for?" [redacted] stated that it was common for him to be belittled by [redacted] while presenting charts at COWPENS' navigation briefs regarding the incompleteness or lack of thoroughness of the charts he

presented. This was after both the CO and XO had reviewed his charts and signed their approval of his charts.

- [b7C], [b7C] onboard COWPENS, stated that, while setting up for a reception to be held aboard COWPENS during a port visit to Vladivostok, Russia, [b7C] approached [b7C], [b7C], and yelled, in front of the full S1 Division, "[b7C], you're way behind the fucking 8-ball, If you don't get your shit together I'll cancel this party." This incident was corroborated by [b7C]. **IO Note:** [b7C] specifically requested that the IO interview [b7C].

- [b7C], [b7C], when asked if she considered [b7C] to be a mentor, responded that [b7C] told her, "Don't come to me with your problems. You're a fucking Department Head." She further stated in an unsolicited written statement and when interviewed that [b7C] had once threatened her by saying, "I can't express how mad you make me without getting violent." **IO Note:** While in Yokosuka conducting interviews, four COWPENS crewmembers provided unsolicited written statements concerning what they perceived as abuse by [b7C]. Four of these were from Department Heads, [b7C], [b7C], [b7C], and [b7C].

Additionally, one Division Officer kept a similar "log" that was included as part of a submitted complaint.

- [b7C] and a qualified Surface Warfare Officer, stated, when interviewed, that [b7C] offered "no training, no mentoring" and that she told him "The only words I want to hear out of your mouth are, 'yes, ma'am' or 'you're correct ma'am'."

- [b7C], [b7C], when interviewed stated that he witnessed the following regarding [b7C] while he was standing watch on the bridge:

- It was "common" for [b7C] to ask [b7C] watch team, "What are you, fucking stupid?"

- He stated, "Verbal abuse is definitely going on," and "the Navigator gets a ton of abuse, almost like [b7C] trying to embarrass him... [b7C] pretty ruthless; [b7C] really, really hates the khakis" and, "[b7C] doesn't trust the officers. [b7C] has no faith in them." [b7C] further stated that he never saw [b7C] offer any training to any watchstander and that he never considered [b7C] comments to be either constructive or instructive.

- [b7C] on COWPENS, stated that [b7C] commonly referred to him as a "stupid fucking idiot" in the Daily

Operations/Intelligence Brief, in front of crewmembers of all ranks. When interviewed, he provided an unsolicited written statement that states [DTC], "publicly derides and humiliates personnel...07 August (09) in CIC: [DTC]- eye contact! You are such a god-damn stupid fucking idiot! Stop being such a blockhead!" He stated that the environment fostered by [DTC] is "abusive, not corrective at all."

- [DTC], when interviewed, described [DTC] leadership style as "Verbal abuse after verbal abuse... You lose complete confidence in [DTC] ability to lead like a [DTC] should." When asked if she considered [DTC] to be a role model, [DTC], "[DTC] is a terrible role model for women in the Navy... [DTC] is a terrible representative of the Navy." She was also asked if she felt [DTC] was a good mentor. Her response was, "Any kind of Captain to JOs mentoring? Absolutely not." Additionally, while they were standing watch on the bridge, [DTC] told both [DTC] and [DTC], "You two are fucking unbelievable. I would fire you if I could but I can't." This incident was corroborated by [DTC] when interviewed. **IO Note:** It is important to note the relationship that [DTC] and [DTC] had with [DTC]. Numerous witnesses stated that they were members of [DTC] "A-Team" and would be specifically called upon to take over bridge watches during special evolutions. According to numerous witnesses, they were the subordinates that [DTC] gave the most responsibility and trust. As evidence of this, a COWPENS watchbill has [DTC] and [DTC] assigned as PG (Post-graduate) Augments to supersede other assigned watchstanders during special evolutions. [DTC], and [DTC] (since transferred) also held this distinction. All four mentioned ([DTC], and [DTC]) confirmed they were members of the "A-Team."

- [DTC], when interviewed, stated that [DTC] told him, while on the bridging, to "Take your God damn attitude and shove it up your fucking ass and leave it there." This was while he was Officer of the Deck during an Underway Replenishment (UNREP). He stated that [DTC] regularly stated to her bridge watch team, "You guys are idiots, fucking idiots."

- [DTC], when interviewed, was asked if he considered [DTC] to be a role model. He responded, "Do you mean do I want to be like her? Oh, no." [DTC] also stated that he thought he had a uniquely positive relationship with [DTC] in the respect that he was often yelled at by her while standing watch, but [DTC] would follow up with him by explaining what had caused her to lose her temper and turning it into a learning point. [DTC] stated that he was the "ONLY"

crewmember that she treated in this manner and had no explanation why he was treated differently. He also stated "people are afraid to make mistakes" due to [D/C] presence.

- [D/C], [D/C] [D/C], stated that [D/C] "had an abusive way of getting her point across." IO Note: [D/C] specifically requested that the IO interview [D/C].

- [D/C] assigned to HS-15 Det A aboard COWPENS, when interviewed, was asked to describe the Command Climate on board COWPENS. She responded, there is "a lot, lot of verbal abuse. [D/C] is someone I never, ever want to be or become." A specific incident occurred during a wardroom meeting, in which [D/C] asked the officers if anyone had participated in Exercise TALISMAN SABRE before. [D/C] offered that she had been on a ship that participated in 2007, but she had not taken part in the planning process. In front of the other wardroom members, [D/C] responded "What good are you." [D/C] offered an unsolicited statement that reads, in part, "Countless times, [D/C] has publically berated, belittled, and demeaned various members of [D/C] crew. [D/C] is a terrible leader who constantly berates [D/C] people. Many times [D/C] does not treat them as human beings. [D/C] talks down to them, belittles them and gives them little worth and value on the ship."

- [D/C], [D/C] when interviewed, described the climate in CIC as "tense" due to the presence of [D/C]. He described one specific incident in the summer of 2009 in which, following an error with a CASREP, [D/C] ordered him to stand in "time-out" in the CIC, in front of the full watch team. [D/C] stated that this was "demeaning" to him, but he decided to stand quietly in the corner in close proximity to [D/C] rather than publicly challenge [D/C] authority. Numerous witnesses stated that [D/C] [D/C] is one of [D/C] few trusted subordinates and [D/C] places an amount of responsibility on him that is disproportionate to his rank and billet. As an example of this, 6 of 7 Combat Systems divisions are required by [D/C] to run their CASREPs through him, vice the Combat Systems Department Head. [D/C] confirmed that he held these responsibilities and that they were highly unusual for the CSMM to hold. He further stated, when asked what he would do if he found out that he would have to serve another tour under [D/C] [D/C], "I've been in the Navy for 23 years and I would put my retirement papers in the next day."

- [D/C], [D/C] [D/C] on board [D/C] prior Command, USS WINSTON S.

CHURCHILL (DDG-81), stated, when interviewed, that, in approximately January of 2003, upon informing [redacted] (then CDR) that weather was outside of the limits required to recover a helo onboard, [redacted] responded by saying, "I thought you flew a fucking all-weather aircraft. Now fuck me to tears." He further stated that, after a time, he was not permitted to speak to [redacted] so he resorted to briefing the [redacted], on any flight schedule issues and then slipping the flight schedule under [redacted] stateroom door for [redacted] review. [redacted] confirmed this when interviewed.

- [redacted] and current [redacted], stated that [redacted] (then CDR) [redacted] leadership style was, "Not helpful. It did not foster communication up or down the chain of command." Additionally, he stated that [redacted] was particularly harsh towards the CHURCHILL's Navigator, due, in his opinion, to the fact that [redacted] hated his [redacted] accent and would regularly verbalize this.

- [redacted] assigned to WINSTON S. CHURCHILL while an exchange officer from the [redacted], stated when interviewed, that, immediately after an engineering casualty in February of 2003 caused a "shudder" through the ship, [redacted], on the bridge "got in my face and screamed, 'Fucking [redacted], you ran my fucking ship aground.'" The ship did not, in fact, run aground but was transiting shoal water.

- [redacted] from July of 2005 through October of 2008, stated, when interviewed, that, "verbal abuse was almost a daily occurrence" aboard COWPENS.

- [redacted] on COWPENS, stated that [redacted] would "correct on the spot and ([redacted]) doesn't care who is around." **IO Note:** [redacted] specifically requested that the IO interview [redacted].

(5) Numerous witnesses stated that [redacted] would berate them for unknown reason and not provide any feedback as to what they had done wrong. This is best described by [redacted] on board COWPENS when asked if she ever used these incidents (yelling, profanities, belittling) "as a teaching point or learning point." He responded:

No, not at all. That's my biggest problem was there is--you know what, if you're going to yell at me for being jacked up, that's one thing. But just that's it; that's where it stands. She'll yell at you and then she'll make you write papers or something like that. People write papers. And then that's it. There's no feedback. There's

no, "Hey, this is why I wanted you to do that."
If there was that, I think life would be a lot
better.

(6) When interviewed, and after acknowledging [DTC] Article 31b rights, [DTC] of [DTC], stated that [DTC] had no recollection of making such statements. [DTC] appeared incredulous at the accusations and stated that [DTC] had a very "directive" method of communicating, but never meant [DTC] words to be taken "personally." [DTC] further stated that when [DTC] reported aboard COWPENS, the crew did not meet [DTC] expectations, so [DTC] used "directive communication" to ensure [DTC] standards and expectations were clear. [DTC] repeatedly mentioned that [DTC] has "very high standards for my crew, and I let them know when they are not meeting them." [DTC] repeatedly referenced a "groupthink" mentality and opined that a small group of disgruntled Officers in COWPENS wardroom were spreading rumors throughout the crew and convincing others that the command climate and [DTC] demeanor were far worse than they actually were. [DTC] later emailed the investigators an unsolicited word document containing the following statement:

Many times I raised my tone (and used swear words) to ensure they knew this time, it was no kidding. I also did it on other occasions to intentionally pressurize the situation. Decisions need to be made along stressful timelines and difficult situations. For example for an inbound aircraft, a series of decisions need to be made on a very tight timeline. If they have not practiced under those conditions, then they will not be able to react... I can imagine situations where I may have used some of those words in a moment of sheer frustration. My sheer frustration was more often than not in my inability to communicate my point to them. ***I discussed this fact with each of them after the verbal exchange to be sure they understood why I had reacted the way I did.***
{Emphasis added}

(7) [DTC] detachment Yokosuka, sent the Investigators an unsolicited email in which he stated that he had know [DTC] since [DTC] took [DTC] and had rode the ship for a two-week period. His email read, in part, "if [DTC] has any faults, it is that she certainly cares about COWPENS and the ship's ability to perform in combat operations and when the officers and crew do not deliver, [DTC] lets it get to [DTC].. [DTC] approach may be blunt, but clearly [DTC] intent is readiness."

(8) COWPENS completed an anonymous Defense Equal Opportunity Management Institute (DEOMI), i.e. Command Climate Survey in December of 2008. A sampling of the results appears below (all passages are taken directly from the survey):

- I often witness the [redacted] belittling the upper chain of command in blatant disregard of professionalism while in front of junior personnel.

- In my 19+ years in the Navy, I have never felt so unsafe as I do now with my current chain of command. More specifically the [redacted]. I have seen [redacted] on numerous occasions belittle [redacted] officers and Chief Petty Officers in front of the enlisted.. she never trusts [redacted] subject matter experts.

- The [redacted] uses [redacted] rank in bully form. [redacted] does not trust [redacted] CPO Mess, nor any of [redacted] Junior Officers. [redacted] is very unprofessional and loses [redacted] temper almost everyday and the use of profanity is in excess, especially around Junior Sailors (enlisted)... [redacted] belittles E7 and above in front of Junior Sailors and dignitaries

- I have repeatedly witnessed the [redacted] belittle other officers in front of the crew with total disregard for professionalism.

(9) [redacted] responded to the DEOCS survey with a note in the POD that read:

The results of command survey indicate we are above Navy average for Positive EO Behavior and Work Group Effectiveness, however we are below Navy average in Organizational Commitment, Trust in Organization, and Leadership Cohesion. The comments you offered in the survey substantiate the statistical results. The CAT team has given me some suggestions of what we can do differently. I am going to work very hard to improve in those 3 areas and look forward to seeing improvements by the next survey."

Following results of the survey, [redacted] implemented a series of small focus group gatherings (including [redacted]) that emphasized morale and communication. [redacted] stated [redacted] did this to improve two-way communications up-and-down the chain of command.

(10) When interviewed, the Investigators asked 24 witnesses serving at that time on COWPENS; "how would you describe the command climate on COWPENS?" A sampling of answers follows: "One of the worst in the Navy, (there is) no mentoring, no training," "21 years in the Navy and this is the poorest climate I have ever seen. There is no training environment at all. The [redacted] ([redacted]) has no couth for humanity," "not very

healthy," "pretty low," "pretty terrible," "poor," "kind of rough," "no issues" "slow, strict, negative," "split," "pretty good," "resilient, a lot of adversity between the [redacted], wardroom, and chief's mess... not a good working environment," "not so good, some days fine," "awful," "pretty low," "hostile, very poor, problem solving is not encouraged," "good for E-6 and below," "very poor, lowest I've ever seen morale," "today? Relatively high," "not a good climate," "not good," "tense, unpleasant," "Extremely poor, morale is down" and "uneasy."

(11) [redacted] was asked by the IO to describe the command climate on COWPENS. [redacted] answered, "much better than I think you have been led to believe." The IO later followed up by pressing [redacted] to describe the climate, not what [redacted] thought we were led to believe. [redacted] stated that the climate is "...working hard; supportive."

(12) [redacted], stated that though [redacted] does occasionally use profanity, [redacted] also takes efforts to avoid harsh language by substituting phrases such as "cheese and rice." He said that [redacted] can be difficult to work with and for, but that he never saw [redacted] treat any crewmember in a manner that rose to abusive. He stated that the COWPENS CHENG, [redacted], did visit his stateroom on one occasion in tears, describing how difficult [redacted] was to work for. ([redacted] confirmed this incident.)

(14) [redacted], spent two and a half days aboard COWPENS in July, 2009, as an observer. When interviewed, he described the environment he observed as very tense, and stated "I felt a lot of tension when the [redacted] was around." He further stated that, in his observation, the crew was beat up, particularly the Department Heads. He stated, "With the department Heads working 6 (hours) on-6 off, how can they run a department and train JOs?" He addressed these and other concerns directly with [redacted] before departing COWPENS. **Note:** [redacted] rode the COWPENS in response to a complaint made by the Freemantle Harbor Pilot's Association to the US Naval Attaché' in Sydney, Australia, that was in turn forwarded for CTF-70 action. As a result of this complaint, (made following [redacted] alleged mistreatment of the inbound and outbound Harbor Pilots), [redacted] was directed by CTF-70 to write letters of apology to the Pilots. [redacted] interviewed all potential witnesses to the incident, and also held an Officers' Call and First Class Petty Officers' Call,

while holding numerous informal conversations with COWPENS crewmembers to evaluate the Ship's environment.

b. Analysis, Discussion, and Conclusion:

(1) Navy regulations demand that a Commanding Officer "exercise leadership through personal example, moral responsibility and judicious attention to the welfare of persons under their control or supervision." Navy regulations further state, "Persons in authority are forbidden to injure their subordinates by tyrannical or capricious conduct, or by abusive language." The evidence demonstrates that [redacted] actions while in [redacted] of COWPENS violate these regulations. The evidence shows that [redacted] was verbally abusive, and that [redacted] style of "directive communication" led to an abusive climate and injured [redacted] subordinates. It is significant that [redacted] firm and directive language occurred in public, and had the effect of humiliating subordinates. Though [redacted] asserted that [redacted] language was not intended to be taken personally, there were incidences of personal verbal attack, for example, [redacted] publicly refers to a Department Head and a CIC watchstander as "fucking idiots" and for putting a well-respected Master Chief in "time out" while in the Combat Information Center, in front of other watchstanders of all ranks. These actions by [redacted] were injurious, verbal abuse. A further example of [redacted] treatment of [redacted] Combat Systems Department Head and Senior Watch Officer was when [redacted] publicly addressed him with "Scully- eye contact! You are such a god-damn stupid fucking idiot! Stop being such a blockhead!" The actions on the part of [redacted] that may have precipitated this outburst are irrelevant. By the standards set by Navy regulations, this and the other verbal abuses issued by [redacted] are unacceptable. [redacted] admitted [redacted] was verbally abusive when [redacted] stated, "If I had said those things, if I had made a personal attack, then that--I think a personal attack would be abusive." The evidence shows that [redacted] did in fact say "those things" and that [redacted] did make many "personal attack(s)"

(2) The evidence also demonstrates that the public nature of [redacted] style of "direct communication" adds to the "injury" caused by [redacted] words and profanity. The testimony of [redacted], an enlisted bridge watchstander sheds light on this point. His statement that it is "common" for [redacted] to ask [redacted] bridge team if they are "fucking stupid". QM1's statement that, in his own words, [redacted] is "trying to embarrass" his Department Head, the ship's Navigator, can only serve to lower that Officer's esteem among his subordinates contrary to the best interests of the ship and the Navy. The comments included

in the Command Climate Survey further add to this point, as does the perception of [redacted]. The quotation, "I often witness (sic) the Commanding Officer belittling the upper chain of command in blatant disregard of professionalism while in front of junior personnel" is representative of damage caused by [redacted] demeanor and communication style. Additionally, publicly humiliating a Master Chief in the Combat Information Center injured the status of the Master Chief and humiliated him. The evidence shows [redacted] actions were in violation of Navy Regulations.

(3) Climate onboard a forward-deployed surface combatant of the US Navy can be necessarily harsh, and firm leadership, that includes public, on-the-spot correction, might be necessary for mission accomplishment. There is little margin for error in such an environment, and mistakes need to be promptly addressed, both for the immediate good of the ship and to ensure that the offender is properly trained to avoid repeating the same mistakes. [redacted] repeatedly spoke of [redacted] high expectations and how [redacted] held [redacted] crew to a very high standard amidst a high-tempo, high-stress operating environment. However, [redacted], actions exceeded the firm methods needed to succeed or even thrive in such an environment. Further, [redacted] harsh language and profanity were rarely followed with any instruction. As detailed by [redacted] above, often the victim was unaware of what he or she did (or didn't do) that resulted in [redacted] ire. Several Junior Officers stated that they actively sought out [redacted] following a "cooling off" period to discuss the circumstances that led to such a heated response from [redacted], in hope of learning what they had done wrong. [redacted] refused to respond to such inquiries, in one case telling the JO to "Get the fuck out of my stateroom." [redacted] statement to [redacted], "Don't come to me with your problems. You're a fucking Department Head" illustrates the lack of professional guidance and mentoring offered by [redacted]. The evidence does not support [redacted] statement that [redacted] discussed the frustration stemming from her inability to communicate "after the verbal exchange" with crewmembers. Only one watchstander ([redacted]) could recall [redacted] taking the time after yelling at him to teach him what he had done incorrectly, and he stated he was the only member of the wardroom that [redacted] did this with. The statements of [redacted], a Department Head, and [redacted], a qualified Officer of the Deck, echo the same facts: that [redacted] leadership style and firm demeanor were not used as a tool to thrive in a rigid operating environment, but were abusive with no beneficial result. [redacted] firm demeanor yielded no benefit to the

mission effectiveness of COWPENS, but the considerable negative. These incidents demonstrate [redacted] gross disregard for the requirement that Commanding Officers "exercise leadership through personal example, moral responsibility and judicious attention to the welfare of persons under their control or supervision. Such leadership shall be exercised in order to achieve a positive, dominant influence on the performance of persons in the Department of the Navy."

(4) [redacted] offered a possible explanation by stating that [redacted] felt that a small group of officers in COWPENS wardroom had taken it upon themselves to make a large issue out of a few minor incidents. However, [redacted] of the [redacted], [redacted] and [redacted] provided evidence that counters this line of reasoning. All three of these officers served with [redacted] on [redacted] at Sea, WINSTON S. CHURCHILL. Their experiences with [redacted] in the years from 2002 through 2004, as presented above, provided evidence that [redacted] public berating and belittling of [redacted] subordinates did not begin in the summer of 2009 when these allegations were made to the Inspector General. The evidence provided by [redacted] further counters [redacted] assertions, as he transferred off of COWPENS months before the IG complaints were received.

(5) The comments made by COWPENS crewmembers regarding the Command Climate, both when interviewed and during the anonymous Command Climate Survey, offer evidence that [redacted] leadership style created an environment that was not conducive to the welfare of [redacted] crew, nor did it allow the crew to perform at an optimal level. Many of these comments, such as "I often witness the [redacted] belittling the upper chain of command in blatant disregard of professionalism while in front of junior personnel," focused on [redacted] direct actions rather than upon a passive role that merely allowed a negative environment to persist under [redacted] leadership.

(6) The standards reviewed state that [redacted] has a duty to "exercise leadership through personal example, moral responsibility and judicious attention to the welfare or persons under their control or supervision. Such leadership shall be exercised in order to achieve a positive, dominant influence on the performance of persons in the Department of the Navy." Additionally, Navy Regulations state "Persons in authority are forbidden to injure their subordinates by tyrannical or capricious conduct, or by abusive language." The evidence shows that [redacted] violated both of these standards by demeaning,

humiliating, publicly belittling and verbally assaulting [DTC] subordinates while in Command of COWPENS. Further, [DTC] actions led to an environment that made allowing "a positive, dominant influence on the performance of persons in the Department of the Navy" not possible. Therefore, the allegation that [DTC] [DTC] verbally abused [DTC] subordinates by publicly berating and belittling them during the period of [DTC] Command of COWPENS, from March of 2008 through July of 2009, in violation of Uniform Code of Military Justice (UCMJ) Article 92, Failure to obey a lawful order or regulation, to wit: U.S. Navy Regulations, Article 802 (Responsibility) and U.S. Navy Regulations, Article 1023 (Abuse of Authority), is substantiated.

c. Recommendations: That Commander, Task Force SEVENTY (CTF-70)/Carrier Strike Group FIVE (CSG-5) take action to hold [DTC] accountable for violating Article 92, Failure to obey a lawful order or regulation, to wit: U.S. Navy Regulations, Article 802 (Responsibility) and U.S. Navy Regulations, Article 1023 (Abuse of Authority).

d. Disposition: Forward to CTF-70/CSG-5 for corrective action.

Section 4. Second Allegation: That [DTC] assaulted [DTC] subordinates during the period of [DTC] [DTC] of COWPENS, from March of 2008 through July of 2009 in violation of UCMJ Article 128, Assault, is substantiated.

a. Facts:

(1) The Uniform Code of Military Justice, Article 128, Assault, states, "Any person subject to this chapter who attempts or offers with unlawful force or violence to do bodily harm to another, whether or not the attempt or offer is consummated, is guilty of assault and shall be punished as a court-martial may direct."

(2) The Manual for Courts Martial, Chapter 54, **Article 128- Assault**, Section c., *Explanation*, section (1), *Simple Assault*, Subparagraph (a) states, "Bodily harm means any offensive touching of another, however slight."

(3) [DTC] [DTC] [DTC], described an incident in which [DTC] made physical contact with him in late June of 2009. Prior to any physical contact, [DTC] stated that he had briefed [DTC] on a SATCOM system failure (a system that he was responsible for) as

[DTC] was delivering the Night Orders to CIC. The transcript of his description of this incident follows:

[DTC]--and in a moment of frustration and stress, because there are some error events going on at the time, I think [DTC] just really didn't want to listen to an explanation. [DTC] just wanted it to get fixed. So [DTC], you know, I guess pushed me towards Radio to like--like just go, go fix it... but it was a, you know, like hands on the shoulder, you know, side of the arm kind of like push. It wasn't like a man handle, grab, choke or anything like that.

[DTC] later stated that immediately following the incident he was upset enough that he went directly to the [DTC] stateroom to discuss the contact. While there, [DTC] arrived and issued an apology. He described this as follows:

So afterwards I talked to the [DTC], explained the situation what happened to him. [DTC] had-- [DTC] [DTC] came within like five minutes of that occurring, I'd say no more than 10. [DTC], the [DTC] and I were in the [DTC] stateroom and [DTC] did take time to extend an apology that she should not let [DTC] frustration get--you know, get out of hand.

(4) [DTC] provided the following version of the events that occurred immediately after [DTC] was told by [DTC] that the SATCOM system was down:

And I told him { [DTC] } to go see the [DTC] because I knew that the [DTC] and I had talked about it. First of all, the [DTC] does all the--is always very effective in coordinating events because he has the schedule, but also because he and I had talked about it and knew what the preferred COA was. And I was frustrated that I was unable to communicate this with [DTC]. And when he left Combat--it goes back to my--I don't--I don't like to get frustrated and not explain to someone why I'm frustrated. So I went out into the passageway and said, "Listen, [DTC]," and tried to explain to him why I was so frustrated and he made a smart-aleck remark and turned around and walked away, and I reached out and to get his attention that I wasn't done talking about this topic. And when I--when he turned around, I could tell that we were not going to have a constructive conversation at this point. And so I let him--he went ahead and went

off to go see the [D7C], as I had directed him to do, and I said to myself I'm going to follow up, I'm going to follow up to make sure that he and the [D7C] are coming up with the plan and I also wanted to carry on--continue the conversation to explain the level of frustration.

The IO clarified the situation by asking: "You never put your hands on him?"

She responded: "I did. I reached out and tugged on his shirt."

IO: Okay. From the front?

[D7C]: I recall from the back.

(5) [D7C] provided an unsolicited written statement describing his experiences with [D7C] that includes the passage "'You're empire building' accompanied by balling up the watchbill and throwing it in the former SWO's chest across the wardroom table." The IO followed up with this written statement by asking, via email, "Did you personally witness [D7C] ball up the watchbill and throw it at the former SWO?" (IO NOTE: SWO was used by the IO to identify [D7C] [D7C]) [D7C] provided the following statement:

Affirmative- I was sitting next to [D7C] when [D7C] did it. It was [D7C] but I do not recall who else was in the room. It was during a meeting in the wardroom and he was presenting the watchbill with Engineering Officer of the Watch (EOOW) under-instructions on it. [D7C] stated that he was "empire building" (he was the [D7C] [D7C] at the time) and threw it at him.

(6) [D7C], stated he was present at the same meeting and described the incident exactly as [D7C]:

One particular situation that will always stick out in my mind...The [D7C] handed [D7C] a watchbill... [D7C] crumpled it up and threw it at him and hit him in the chest across the table... That just absolutely floored me... I never saw [D7C] physically touch someone.

[D7C] was interviewed a second time and verified that he personally witnessed [D7C] throw the watchbill and hit [D7C] [D7C] in the chest. He stated that this incident occurred in September of 2008.

(7) [D7C], stated that he witnessed [D7C] ball up a watchbill and throw it at [D7C]

[DTC]. He stated that he personally saw the wad of paper hit [DTC] in the chest at the conclusion of a meeting held in the wardroom. [DTC] also stated that another COWPENS crewmember, [DTC], approached him in the [DTC] stateroom to report that [DTC] had placed [DTC] hand on his shoulder while eating breakfast in the wardroom. [DTC] [DTC] stated that [DTC] was uncomfortable with [DTC] physical contact. The [DTC] discussed this incident immediately with [DTC] and believed that [DTC] was satisfied with this outcome.

(8) [DTC] stated "[DTC] did crumple up a watchbill and throw it, but [DTC] didn't throw it at me." The IO asked, "It didn't hit you in the chest or anything like that?" [DTC] replied, "No."

(9) [DTC], [DTC], stated that, while observing the bridge watch team engage in a Seamanship Training Team (STT) event (as Navigator, [DTC] is responsible for the training of the bridge teams), [DTC] grew frustrated with him and:

... to the point where [DTC] was getting so frustrated [DTC]--you know, [DTC] grabbed my arm, squeezed it pretty hard and like pushed me towards the thing, towards the OOD. "Hey, go train them."

The IO asked him to clarify this situation. He responded:

It was on the bridge wing. [DTC] grabbed my right arm and [DTC] stood to the right side of me. [DTC] was yelling at me, grabbed my arm, pushed me towards the aft portion of the bridge wing where the OOD stood, and [DTC] was yelling at me to be more actively engaging in the training process during the drill...That was the only time [DTC] touched me.

[DTC] also stated that on several occasions, he witnessed [DTC] "pull" OODs, while yelling at them, to a new position on the bridge.

(10) [DTC], stated that [DTC] [DTC] has grabbed him several times throughout the period he served under [DTC] while he was standing watch as OOD to physically reposition him. He also stated that on one occasion in late 2008, [DTC] threatened him with a raised fist while standing watch. He stated that the ship was darkened and he was unaware of any witnesses to this incident.

(11) [b7C] provided, via email, a statement that read, in part, "I have touched people for four reasons: To get attention, to steer someone to where they should be, to soften the bite of my tone, and to express affection. I was never violent and I never acted with an intention to harm."

(12) The portion of the IO's interview with [b7C] that focuses on [b7C] physically touching crewmembers appears below:

IO: How about with certain bridge watchstanders, that we came across several allegations that there are several occasions in which you would grab them by the shoulder, kind of pull them out on the bridge wing to force some directive communication?

[b7C]: Well, I can recall a situation with [b7C]. It was a while ago. It was when he first started standing watch on the bridge and it had to do with a--I believe it had to do with an auxiliary and a contact and, when I came to the bridge, very direct communication on what it was that was not quite right and he appeared a bit taken back and so, in a way of escort, "Let's go out to the bridge wing, let's take a look at this and let's talk this through."

IO: And did you touch him physically?

[b7C]: [b7C], in a way of escort, "We need to get out here and let's go take a look at that."

IO: Okay. Where did you put your hands, your hand, hands?

[b7C]: You know, it has been a while and I do not recall. I do recall that we were going out to the bridge wing and I can only assume that it was, you know, on the arm.

IO: Okay. Did you ever put your hands on--grab, put them on the arm of [b7C]?

[b7C]: Yes.

[b7C]: That was probably within the past two months. It was a man-overboard drill and he was the seamanship training team--the person conducting the training. And the man-overboard drill was not going well. The officer of the deck and the conning officer were flopping and twitching, and so it turned into a situation where I was training the officer of the deck and the conning officer, and the navigator was just standing there, almost dumbfounded. And so I

took him by the arm once again in a form of an escort, "This is where you need to be. This is where you need to be to provide that level of training that you, as the STT member, should be providing."

b. Analysis, Discussion, and Conclusion:

(1) The evidence shows that [D7C] treatment of [D7C] subordinates constitutes assault as defined by UCMJ Article 128 and the Manual for Courts Martial. Though it may be true that [D7C] has no malicious intent with [D7C] physical contact, the evidence demonstrates that [D7C] repeated "grabbing" or "escorting," is coupled with [D7C] high level of frustration. These acts meet the UCMJ definition of Assault and are unacceptable behavior for a Commanding Officer. When interviewed, [D7C] admitted to making physical contact with [D7C] crewmembers, and [D7C] corroborated the incidents referred to by [D7C] and [D7C] when they were interviewed. Additionally, the contact [D7C] made with [D7C], whether it was a "push" or a "tug" on the shirt, was inappropriate, and in both of these incidents [D7C] made physical contact with a subordinate while experiencing a high level of frustration. Further, the preponderance of the evidence supports the allegation that [D7C] [D7C] did crumple up a watchbill and hit [D7C] in the chest with it. The evidence, along with [D7C] own words, shows that these incidents did occur in violation of prescribed standards. Thus, the allegation that [D7C] assaulted [D7C] subordinates during the period of [D7C] [D7C], from March of 2008 through July of 2009, in violation of UCMJ Article 128, Assault, is **substantiated**.

c. Recommendations: That Commander, Task Force SEVENTY (CTF-70)/Carrier Strike Group FIVE (CSG-5) take action to hold [D7C] accountable for violating UCMJ Article 128, Assault.

d. Disposition: Forwarded to CPF IG for review.

Section 5. Third Allegation: That [D7C] improperly hazarded COWPENS throughout the period of [D7C] command by issuing unsafe orders to bridge watchstanders in violation UCMJ Article 110, Improper Hazarding of a Vessel, is **unsubstantiated**.

a. Facts:

(1) UCMJ Article 110 states "(a) Any person subject to this chapter who willfully and wrongfully hazards or suffers to

be hazarded any vessel of the armed forces shall suffer death or such other punishment as a court-martial may direct"

(2) The Manual for Courts Martial, Chapter 4, paragraph 34, states the elements that must be present to prove a vessel was hazarded

- (1) That a vessel of the armed forces was hazarded in a certain manner; and
- (2) That the accused by certain acts or omissions, willfully and wrongfully, or negligently, caused or suffered the vessel to be hazarded. Hazard means to put in danger of loss or injury. Actual damage to, or loss of, a vessel of the armed forces by collision, stranding, running upon a shoal or a rock, or by any other cause, is conclusive evidence that the vessel was hazarded..

(3)

b7c

b7c

, states the following:

Improper hazarding of a vessel includes either an actual event in which the ship is lost or damaged, or a situation in which a ship is placed in imminent danger of loss or serious damage. The loss, or risk of loss, must also be accompanied by a culpable state of mind, where the individual willfully and wrongfully hazards a vessel, or though negligence, permits the vessel to be hazarded. This would include failing to take measures appropriate under the circumstances to prevent a foreseeable danger. A mere error in judgment, however, does not give rise to an offense under Article 110, UCMJ.

(4) A confidential complainant provided a written statement that described, in detail, an incident in which, while the complainant was on watch as [b7c] in [b7c], he believed [b7c] order to change course would have placed both COWPENS and an embarked helo that was preparing to land in danger. The complainant wrote:

About 25 minutes later the [b7c] called and wanted to know why we were so "close" to the carrier and expressed discomfort with the way the situation was developing and wanted us to get back into our assigned sector (we had been out of sector all night to support DLQs (IO NOTE: Deck Landing Qualifications).. I told [b7c] that we were not in any danger with the carrier and I expressed

concern about turning the ship. Doing so would put us in a dangerous situation with the carrier and also put winds out of the envelope -this would have prevented us from landing the helo, which was running low on fuel at that time. The [redacted] initially seemed satisfied with this explanation, but ten minutes later [redacted] called again and this time was very upset. [redacted] ordered me to turn the ship immediately. At this time the carrier was minutes away from crossing behind us and [redacted] wanted me to turn around on a reciprocal course and cross in front of the carrier. Additionally, the helo now only had 15 minutes of fuel remaining and we needed to land them immediately. On the bridge I had constant communication with the [redacted] [redacted] ([redacted]) and the [redacted] was starting to get very nervous and wanted to land the helo immediately. I told the [redacted] my concerns and specifically told [redacted] that, if we turned the ship, not only would we put the ship in danger but by the time we turned all the way around (for an unspecified period of time) then had to turn back around to get winds back in the envelope, I didn't think we could land the helo before it ran out of fuel.

[redacted] ignored my recommendations and ordered me to turn immediately. Upon hanging up the phone I made the conscious decision to remain on course and land the helo. As [redacted] underway I have a direct responsibility to ensure the safety of the ship and its operating forces. Following the [redacted] orders when there was no tactical or navigational reason to do so would have put the ship and especially the helo in serious danger. What was most shocking to me is that the [redacted] did not seem to care about the lives of the pilots and did not or could not understand how [redacted] actions, if followed, would have placed them in unnecessary danger. {emphasis added}

According to the complainant, after the helo landed, [redacted] confronted the [redacted] on the bridge with angry words, but did not relieve him and never mentioned the incident again. The complainant identified [redacted] [redacted] detachment onboard and the pilot of the helo in the incident, and [redacted] as witnesses. IO Note: Every other [redacted] that was interviewed was asked if they

ever directly countermanded an order given by [redacted]. None had, but the majority stated that they would ignore minor orders delivered by [redacted] from [redacted] stateroom via phone, such as replacing the helmsman, or calling the CIC to find out who was knocking on [redacted] stateroom door.

(5) [redacted] provided a written statement that reads, "I do not recall any situation where we hazarded the ship in plane guard." In a recall interview, the incident was described to [redacted] again. [redacted] stated, again, that [redacted] did not recall the specific incident, but "with the information I had available I would never endanger the helo or the ship."

(6) When interviewed, [redacted] stated that he did not directly witness the incident described by the complainant, but was aware of it through second-hand knowledge. He stated, "Supposedly what had happened was he had a helo that was in the air and had I think-I don't remember exactly how many minutes of fuel it had left until it was going to splash down, but I know it was less than 30 minutes that the helo had left that I was informed of. And like I said, this is all after the fact that I heard about it." [redacted] also stated, "Now, whether or not, you know, has [redacted] ([redacted]) ever done anything that put anyone in danger, no. Is the possibility there? Does the possibility exist that [redacted] could put someone in danger, yeah, I think so."

(7) [redacted] was also interviewed. He recalled the incident, and he stated that he had spoken with the [redacted] following the incident and told the [redacted] he did a good job getting them back on deck safely. He also stated; "At no time were we in any danger or really low on fuel. We {the aircrew} were just eager to get on deck for the day. There was no safety issue with my helo. That [redacted] tended to overreact sometimes."

(8) Members of the crew were interviewed and asked if they ever witnessed [redacted] do anything unsafe with the vessel while [redacted] was in Command. Several witnesses described an incident in which COWPENS and USS JOHN S. McCain (DDG 56) engaged in a "race." At the conclusion of the race, the two ships were positioned in close enough proximity were some crewmembers felt it was an unsafe situation. [redacted] stated that [redacted] sanctioned this "race" as an event to boost crew morale. [redacted] was on the bridge for the "race" and described the situation as "definitely unsafe" and stated that COWPENS would have hit JOHN S. McCain had [redacted] not ordered the ship to go to "All Stop."

(9) When interviewed, [b7c] described the incident as follows:

I became uncomfortable with what I thought was closing distance. Oh, by the way, I didn't think we were winning and, if we were winning because we accelerated out of the blocks, they were now pulling ahead... so my decision was to slow and they went ahead and took off in front of us. Never was it an unsafe situation.

(10) [b7c] was [b7c] during the race. When interviewed, he stated that the "race" began immediately following a PHOTO-EX in open waters east of Okinawa with no civilian vessels in the vicinity. He confirmed that [b7c] and [b7c] coordinated a base course over bridge-to-bridge radio. He described the situation by stating that JOHN S. McCAIN, upon pulling ahead of COWPENS from the right, began a leftward drift towards COWPENS. [b7c], stationed on the bridge wing, recognized this situation and ordered [b7c] to bring COWPENS to "All Stop." [b7c] complied, and as JOHN S. McCAIN continued to drift across the intended track of COWPENS, he briefly ordered COWPENS to "All Back Full." Once JOHN S. McCAIN began opening distance on COWPENS, he brought the ship back to "All Stop." He stated that [b7c] was engaged on the bridge throughout this evolution and that had [b7c] not had the right people issuing the proper orders at the right time, the evolution may have become unsafe.

(11) [b7c] corroborated that his ship did race COWPENS in early 2009. Upon completion of a PHOTO-EX with the USS JOHN C. STENNIS (CVN 74), he and [b7c] coordinated the race via bridge-to-bridge radio, while both ships' Tactical Action Officers coordinated via chat. He corroborated [b7c] statement that no civilian vessels were present. He stated that in his opinion, [b7c] recognized a potentially unsafe situation and ordered [b7c] ship to come to "All Stop," while using the momentum of the COWPENS to cross behind JOHN S. McCAIN's port quarter to its starboard quarter. He also stated that he did not think that either vessel was in any danger or was hazarded as a result of the race.

(12) [b7c], stated that he watched the race from the flight deck of COWPENS. Though he was unable to see how close the COWPENS and JOHN S. McCAIN came, he stated that he heard from at least one crewmember after the race that it ended in a "close call." He stated that from his vantage

point, he was unaware of any abrupt maneuvers at the conclusion of the race.

(13) Four witnesses that visually witnessed the race were asked to describe their recollection of how close COWPENS and JOHNS S. McCAIN got at the conclusion of the race. Their recollections differed, as did their vantage point during race. Their recollections and the position they held are described below:

- [redacted] b7c observed the race from the bridge of COWPENS as [redacted] b7c. He estimated the bow of COWPENS at 50-75 feet from amidship JOHN S. McCAIN at the Closest Point of Approach (CPA).

- [redacted] b7c observed the race from the bridge of the JOHN S. McCAIN. He estimated COWPENS was no closer than "Standard UNREP distance" at any point in the race. From his position on the bridge of JOHN S. McCAIN, he estimated that CPA of COWPENS was 180 to 200 feet to his stern.

- [redacted] b7c, JOHN S. McCAIN [redacted] b7c, observed the race from the JOHN S. McCAIN's flight deck. He estimated that COWPENS has a CPA of 100-150 yards immediately after initiating its turn to starboard.

- [redacted] b7c stated that, from [redacted] b7c vantage point on COWPENS bridge, the distance between the ships was "much greater than standard unrep distance (i.e. 180-220 feet)."

(14) No witness was aware of any incident in which COWPENS actually struck another vessel, ran aground, or was involved in any consummated act in which the ship was damaged by shiphandling (as opposed to suffering an engineering casualty).

(15) In a separate incident a confidential complainant wrote:

The ship was heading in the direction of a fleet of fishing contacts that were located off the starboard bow. [redacted] b7c called the [redacted] b7c to give a contact report and said he had intentions of turning to port to avoid the contacts. [redacted] b7c was furious and said that was incorrect and to go read the rules of the road book. [redacted] b7c said you can never turn to port to avoid contacts... [redacted] b7c ordered the turn starboard as the [redacted] b7c ordered. This sent the ship coming within 1500 yards of the fishing fleet.. [redacted] b7c makes rash decisions and refuses to listen to [redacted] b7c suggestions... Many times [redacted] b7c has refused to listen to the [redacted] b7c reports and ordered

course/speeds changes that have put the ship and crew in danger.

(16) [redacted] provided a written statement that reads, "There are many fishing fleets in the areas where we transit... I have never felt we endangered the ship or the fishing boats. I always keep the ones on the left drifting left, and those on the right drifting right. If they look like they are going to cross, I slow."

(17) [redacted], has 19+ years in the Navy and previously served as a [redacted]. [redacted]. He is a qualified [redacted] that served on COWPENS for the entire length of [redacted] Command tour stated, "I never seen her put the ship in an unsafe environment; I can honestly say that."

(18) [redacted], when asked if he had ever witnessed [redacted] do anything unsafe, stated, "I think her shiphandling is safe."

b. Analysis, Discussion, and Conclusion:

(1) Though there is evidence that [redacted] demeanor and treatment of watchstanders on COWPENS is rough, there is no evidence that this has led to a situation in which [redacted] has committed an act that would constitute "Hazarding a Vessel." No witness could describe an incident where [redacted] actions or lack of action led to either damage to COWPENS or an injury to a Sailor or close calls of damage or injury. Though several witnesses deemed the proximity of JOHN S. MCCAIN and COWPENS at the end of their race to be unsafe, there is no evidence to support an allegation that [redacted] hazarded COWPENS, in contrast, [redacted] withdrew from the race to avoid an unsafe situation. The criteria required to meet the standard of hazarding a vessel according to the Manual for Courts Martial is very narrowly defined. In order to show that [redacted] improperly hazarded the USS COWPENS, the evidence must show that an actual event occurred in which the ship was lost or damaged, or that there was a situation in which the ship was placed in imminent danger of loss or serious damage. Also, the loss, or risk of loss, must also be accompanied by a culpable state of mind, where [redacted] willfully and wrongfully hazarded the vessel, or though negligence, permits the vessel to be hazarded. The evidence shows that is not the case with [redacted] and the USS COWPENS, the "race" between USS COWPENS and USS JOHN S MCCAIN provides a contrast to this point, as two witnesses, [redacted]

[b7c] and [b7c], stated that [b7c] recognized a potentially unsafe situation and took action to avoid it. The evidence points out that she ultimately directed action that kept her vessel safe. Similarly in the helo incident, though the complainant's description of the situation in which he felt he had to contradict [b7c] orders to keep USS COWPENS and the attached helo safe, was born out of [b7c] perception that the ship was "close" to the carrier. This evidence demonstrates that [b7c] orders were given with the intent of keeping USS COWPENS safe and away from a situation that caused [b7c] discomfort. One of [b7c] most experienced shiphandlers, [b7c], stated unequivocally that he never saw [b7c] put the ship in an unsafe situation. This statement is particularly significant due to the highly strained relationship between [b7c] and [b7c] ([b7c] told him openly that [b7c] hated him, as described in the First Allegation). Under the circumstances outlined by this investigation, there is insufficient evidence that [b7c] willfully placed USS COWPENS in danger or knew of an imminent danger to [b7c] ship but failed to take prudent measures to avoid that danger. To the contrary, the evidence shows that [b7c] issued orders to steer away from danger when it became evident that USS COWPENS was closing too close to other vessels.

(2) The evidence shows that [b7c] demeanor creates a tense environment on board the bridge. The evidence also shows that [b7c] watchstanders are often afraid to question [b7c] decisions or to exercise their own judgment for fear of reprisal from [b7c]. This situation may lead to an ineffective bridge team. The evidence indicates [b7c] Officer of the Deck, on at least one occasion, openly countermanded [b7c] order and proceeded on a course of action contrary to [b7c] direct order. Though there was no negative outcome to this situation, it demonstrates a breakdown in the chain of command on the bridge of COWPENS. This breakdown is compounded by [b7c] failure to address the situation at a later time which could create a dysfunctional bridge team. Numerous OODs testified that they routinely ignored [b7c] minor orders.

(3) Issues were present on the bridge as a result of [b7c] presence and [b7c] actions described in Allegation One. However, none of these issues has led to an incident of conclusive evidence of hazarding a vessel. The evidence demonstrates the possibility that [b7c] issued questionable orders to [b7c] bridge watchstanders, but these were not the result of willful negligence. Therefore, the allegation that [b7c] improperly hazarded COWPENS throughout the period

of [D7C] command by issuing unsafe orders to bridge watchstanders in violation UCMJ Article 110, Improper Hazarding of a Vessel, is unsubstantiated.

c. Recommendations: None.

d. Disposition: N/A.

Section 6. Fourth Allegation: That [D7C] was derelict in the performance of [D7C] duties by not qualifying an Engineering Officer of the Watch (EOOW) from February to July 2009, despite the fact that there were two Chief Petty Officers awaiting their qualification boards, in violation of UCMJ Art. 92, Failure to obey an order or regulation, to wit: OPNAVINST 3500.34A, Personnel Qualification Standards Program, and COMNAVSURFORINST 3540.3A, Engineering Department Organization and Regulations Manual, is unsubstantiated.

a. Facts:

(1) A confidential complainant alleged, "COWPENS has not qualified an EOOW since February 2009, despite the fact that two engineering chiefs are waiting for their boards ([D7C] [D7C]). They are both EOOW requals. The Captain insists on sitting in on EOOW boards but doesn't make the time to hold boards for them."

(2) OPNAVINST 3500.34A, Personnel Qualification Standards Program, Section 5, Duties and Responsibilities, subsection (h) states "Commanding Officers/Officers in Charge (1) implement and manage their respective PQS programs per reference (a)" **Note:** "reference (a)" is cited immediately below.

(3) Naval Education and Training Command (NAVEDTRA) Instruction 43100-1J, Personnel Qualification Standards (PQS) Unit Coordinator's Guide, Chapter 2, Unit PQS Organization, states, "Commanding Officer - Personal involvement by the Commander/Commanding Officer is the key ingredient to a successful PQS program. Commanding Officers serve as the final authority for all qualifications achieved under the PQS Program."

(4) When interviewed, [D7C], stated he felt that he was ready for his EOOW board in March of 2009, but it took him until June before a board was held. He stated that at one point in the Spring of 2009, he directly asked [D7C] for an EOOW board, and [D7C] responded that [D7C] would hold one as soon as CHENG told [D7C] he was ready.

(5) When interviewed, [redacted], stated that he attempted to schedule an EOOW board in March or April of 2009, but did not have a board until June of 2009. He states that he asked [redacted] to schedule a board, and [redacted] replied, "Whenever CHENG says you're ready, I'd love to hold a board."

(6) [redacted] provided a written statement reading:
I was not aware that there were two CPOs waiting for their EOOW qual. Even if I had known, I'm not sure I would have qualified them. Just before the previous [redacted] departed, we had qualified three CPOs. At the same time we turned over the CHENG billet, we turned over [redacted] ([redacted]). The new [redacted] and [redacted] did not qualify as EOOW for a few months... I am sure I would have made a decision to wait until the new [redacted] was qualified.

(7) [redacted], stated that, presently, there are no difficulties with scheduling EOOW boards. He made EEOW qualifications a priority and the qualification process is smooth. Both [redacted] and [redacted] confirmed the fact that there are no problems with the EOOW-qualification since [redacted] qualified as [redacted].

b. Analysis, Discussion, and Conclusion:

(1) OPNAVINST 3400.34A, Personnel Qualification Standards Program places the responsibility for all PQS upon the Commanding Officer: "Commanding Officers/Officers in Charge (1) *implement and manage their respective PQS programs.*" Though [redacted] and [redacted] qualification may not have happened in as timely a manner as they would have liked, the evidence shows that this was not due to any fault of [redacted]. Any delays that may have occurred were due to personnel turnover and all qualifications were ultimately granted in a reasonable amount of time. COMNAVSURFORINST 3540.3A, assigns responsibility to the Ship's Engineering Officer for the EOOW qualification process; the evidence shows that there are no issues with that program.

(3) The evidence shows that COWPENS has an effective program for granting EOOW qualifications. Therefore, the allegation that [redacted] was derelict in the performance of [redacted] duties by not qualifying an Engineering Officer of the Watch from February to July 2009, despite the fact that there were two Chief Petty Officers awaiting their qualification boards, in violation of UCMJ Art. 92, Failure to obey an order or

regulation, to wit: OPNAVINST 3500.34A, Personnel Qualification Standards Program, and COMNAVSURFORINST 3540.3A, Engineering Department Organization and Regulations Manual, is unsubstantiated.

c. Recommendations: None.

d. Disposition: N/A.

Section 7. Fifth Allegation: That [b7c] used [b7c] office for personal gain in the winter of 2008 by using [b7c] [b7c] [b7c], in violation of the Joint Ethics Regulations (JER), Section 2-301(b), Use of Federal Government Resources, and 5 Code of Federal Regulations (CFR) 2635.702, Use of public office for private gain, is substantiated.

a. Facts:

(1) JER 2-301, Use of Federal Government Resources, paragraph (b), *Other Federal Government Resources*, states, in part... "Federal Government resources, including personnel, equipment, and property, shall be used by DoD employees for official purposes only, except as follows: ... (a) The use does not adversely affect the performance of official duties by the DoD employee or the DoD employee's organization;

(2) 5 CFR 2635.702, Use of public office for private gain, subsection (a), states:

Inducement or coercion of benefits. An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.

(3) A confidential complainant alleged:

Around Christmastime, I was standing [b7c] on the quarterdeck. When the [b7c] came on board, [b7c] asked me to [b7c] [b7c] was having at [b7c] house that weekend. I agreed, feeling obligated. [b7c] never followed up with me; another [b7c] ([b7c] [b7c]) ended up [b7c].

(4) [b7C] provided the following written statement at [b7C] interview addressing the allegation that [b7C] obligated an [b7C] to play piano at a Christmas party at [b7C] house:

I never directed a junior officer to play Christmas carols. I had invited a group of Japanese businessmen who were part of a civic group, and officers from GEORGE WASHINGTON, COWPENS, CTF 74 and C7F to a Christmas party. The purpose of the party was to encourage cultural exchange. The officers I invited were a good fit, because they had expressed an interest in meeting the Japanese and they would mingle well. [b7C] [b7C] was one of those officers, and was also a piano player. I had told [b7C] there would be a Japanese lady who would likely bring [b7C] recorder and might want to play Christmas carols with her. At the end of the evening when everyone was preparing to leave, [b7C] did play a few carols with her while everyone sang along.

(5) [b7C] provided a written statement. In response to the questions; "Did you play piano at a holiday party at [b7C] home? How did you come to attend this party? Were any other JOs invited? Please describe this incident." She responded:

Yes. After our ship won first place for a holiday lighting contest, where I had played piano for our sailors to sing Christmas carols, the [b7C] asked me if I would like to play for [b7C] friends that [b7C] sails with at a holiday party [b7C] was hosting. [b7C] was not pushy, and did not make me feel that I had to attend. [b7C] was warm and inviting, and I had a great time. Other JO's were invited to the party, and I spent most of my time talking with them and with [b7C] friends. At the end of the evening, after guests had eaten dinner, we all sat around the keyboard and sang a few carols. The [b7C] thanked me sincerely.

(6) [b7C] on COWPENS, stated that, while she was standing Quarterdeck watch, [b7C] arrived aboard and proceeded to ask [b7C] to come to a Christmas party that [b7C] was hosting and play Christmas carols on the piano. [b7C] did not play piano at the party, as [b7C] never followed up with [b7C]; in the interim [b7C] asked [b7C] to play piano. When [b7C] was asked if she felt that she could have said "No" to playing

at the party, [redacted] responded, "not really; I mean I could have said no, but it probably wouldn't have made [redacted] too happy." When asked if she felt compelled to agree to attend the party, she answered, "yes."

b. Analysis, Discussion, and Conclusion:

(1) In order to establish that [redacted] violated 5 CFR 2635.702, Use of Public Office for Personal Gain, it must be established that [redacted] used the authority associated with [redacted] position to receive a benefit. The evidence reviewed in this case demonstrates that, [redacted] used [redacted] position to induce [redacted] to play piano at [redacted] personal Christmas party, thus receiving a benefit that constitutes a violation of this standard. The fact that [redacted] directly asked two Junior Officers serving under [redacted] to play piano at [redacted] party (and that one ultimately performed this task) is key to the issue. The vast disparity in rank between [redacted] and the two Junior Officers (one an [redacted], the other a [redacted]) makes it unreasonable that a request from the [redacted] would be seen as anything other than coercion. Though [redacted] stated that she did not feel pressured into this situation, the evidence shows that [redacted] [redacted] did, and it is reasonable to conclude that the difference in rank presented would cause a reasonable person to assume that declining the [redacted] invitation would have a negative effect on the Junior Officer, either personally or professionally. Despite the fact that [redacted] stated that [redacted] enjoyed [redacted] time at the party, [redacted] should have never put her or [redacted] in the position of having to accept or decline [redacted] invitation. In this case, the benefit received by [redacted] was a piano performance at [redacted] Christmas party. This benefit was obtained as a result of the coercion implicit when an [redacted] issues an invitation to an [redacted] or [redacted]. Therefore, the evidence supports the allegation that [redacted] misused [redacted] position for personal gain. Thus, the allegation that [redacted] used [redacted] office for personal gain in the winter of 2008 by using [redacted] position to coerce subordinates to play piano at a personal Holiday party, in violation of the Joint Ethics Regulations (JER), Section 2-301(b), Use of Federal Government Resources, and 5 CFR 2635.702, Use of public office for private gain, is substantiated.

c. Recommendations: That Commander, Task Force SEVENTY (CTF-70)/Carrier Strike Group FIVE (CSG-5) take action to hold [redacted] accountable for violating the Joint Ethics Regulations (JER), Section 2-301(b), Use of Federal Government

Resources, and 5 CFR 2635.702, Use of public office for private gain.

- d. Disposition: Forwarded to CTF-70/CSG-5 for corrective action.

Section 8. Sixth Allegation: That [b7C] misused subordinates for personal gain in the summer of 2008 by coercing subordinates to walk her dogs, in violation of the Joint Ethics Regulations (JER), Section 2-301(b), Use of Federal Government Resources, and CFR 2635.705b, Use of Official Time, is substantiated.

b. Facts:

(1) JER 2-301, Use of Federal Government Resources, paragraph (b), *Other Federal Government Resources*, states, in part... "Federal Government resources, including personnel, equipment, and property, shall be used by DoD employees for official purposes only, except as follows: ... (a) The use does not adversely affect the performance of official duties by the DoD employee or the DoD employee's organization;

(2) 5 CFR 2635.705b, Use of Official Time, states: "An employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties or authorized in accordance with law or regulation."

(3) A confidential complainant alleged, "Last summer {2008} during the SRA {Selected Restricted Availability} period, we had several new Ensigns onboard. [b7C] asked them individually to walk [b7C] dog for [b7C]."

(4) [b7C] provided the following written statement at [b7C] interview addressing alleged dog-walking:

I never directed a Junior Officer to walk my dogs... I talked about the dogs a lot in the wardroom and the officers were aware of their antics. Some of the Junior Officers appeared to be interested in meeting and playing with the dogs. I gave them what appeared to be an opportunity to be with the dogs. They also appeared to enjoy it when I asked them about it afterwards.

(5) During investigation the IO asked the USS COWPENS Junior Officers if they ever walked [b7c] dogs (and if they were asked to attend to any other personal business), and two Lieutenants said they had walked [b7c] dogs. (IO Note: For clarity, the dogs referenced to in this report are referred to as belonging to [b7c]. In point of fact, they did not actually belong to [b7c], but [b7c] had custody of them through a "dog sitting" arrangement [b7c] had with a Veterinarian.) Both [b7c] and [b7c] stated that they did in fact walk [b7c] dogs, but they found it enjoyable and did so willingly. [b7c] was staying in the BOQ across from [b7c] house, and [b7c] asked [b7c] to let the dogs out a few times if he went to the BOQ over lunch and [b7c] was called away. He stated he had no problem with letting the dogs out and found it enjoyable. [b7c] also walked [b7c] dogs a few times, and [b7c] also felt it was a positive experience. They stated they did not feel forced or obligated to spend time with the dogs.

b. Analysis, Discussion, and Conclusion:

(1) The evidence shows that [b7c] subordinates were encouraged to walk and/or "let out" dogs belonging to [b7c]. Though [b7c] may have thought that certain members of the wardroom would enjoy spending time with the dogs, as [b7c] claimed, the applicable standards clearly states that "an employee shall not encourage, direct, coerce, **or request** a subordinate to perform activities other than those required in the performance of official duties." [b7c] and [b7c] may have readily agreed to [b7c] request, however, these actions occurred in violation of the standard. Walking dogs that are in the care of [b7c] is in no way required in the performance of the official duties of a Surface Warfare Officer or a Supply Corps Officer, particularly while away from the ship on lunch during a duty day. The evidence demonstrates that [b7c] requested these services be carried out by [b7c] subordinates. [b7c] motives are irrelevant with respect to the standard. Therefore, the allegation that [b7c] misused subordinates for personal gain in the summer of 2008 by coercing subordinates to walk [b7c] dogs, in violation of the Joint Ethics Regulations (JER), Section 2-301(b), Use of Federal Government Resources, and CFR 2635.705b, Use of Official Time, is **substantiated**.

c. Recommendations: That Commander, Task Force SEVENTY (CTF-70)/Carrier Strike Group FIVE (CSG-5) take action to hold [b7c] accountable for violating the Joint Ethics

Regulations (JER), Section 2-301(b), Use of Federal Government Resources, and CFR 2635.705b, Use of Official Time.

d. Disposition: Forwarded to CTF-70/CSG-5 for corrective action.

Section 9. Seventh Allegation: That [] was derelict in the performance of [] duties by failing to qualify the newly-reported [] and LTJG's as Surface Warfare Officers (SWOs) in a timely fashion from February 2008 through Summer of 2009, in violation of UCMJ Art. 92, Failure to obey an order or regulation, to wit, U.S. Navy Regulations, Article 0821 (Training and Education); OPNAV Instruction 3500.34F, Personnel Qualification Standards (PQS) Program; Naval Education and Training Command (NAVEDTRA) Instruction 43100-1J, Personnel Qualification Standards (PQS) Unit Coordinator's Guide and Commander, U.S. Naval Surface Forces (COMNAVSURFOR) Instruction 1412.1A CH-1, is substantiated.

a. Facts:

(1) A confidential complainant alleged that [] "shows no apparent interest in [] crew's professional development." The complainant went on to describe the difficulties that Junior Officers aboard COWPENS had in earning their SWO qualification, specifically mentioning, " [] onboard ([]) received his [] letter within his first month of being onboard (it was a requal, as he was a prior QMC). Seventeen months later, he had still not been given a SWO board. He had been back from SWOS (SWO School) for five months."

(2) U.S. Navy Regulations, Chapter 8, Section 821, Training and Education, states, the Commanding Officer shall:

- a. endeavor to increase the specialized and general professional knowledge of the personnel under his or her command by the frequent conduct of drills, classes and instruction, and by the utilization of appropriate fleet and service schools,
- b. encourage and provide assistance and facilities to the personnel under his or her command who seek to further their education in professional or other subjects,
- c. afford frequent opportunities to the executive officer, and other officers of the ship as practicable, to improve their skill in ship handling,

d. require those lieutenants (junior grade) and first lieutenants who have less than two years commissioned or warrant service, and all ensigns and second lieutenants:

(1) to comply with the provisions prescribed for their instruction by the Chief of Naval Operations, the Commandant of the Marine Corps, or other appropriate authorities;

(3) OPNAVINST 3500.34A, Personnel Qualification Standards Program, Section 5, Duties and Responsibilities, subsection (h) states "Commanding Officers/Officers in Charge (1) implement and manage their respective PQS programs per reference (a)" **Note:** reference (a) is cited below:

(Naval Education and Training Command (NAVEDTRA) Instruction 43100-1J, Personnel Qualification Standards (PQS) Unit Coordinator's Guide, Chapter 2, Unit PQS Organization, states, "Commanding Officer - Personal involvement by the Commander/Commanding Officer is the key ingredient to a successful PQS program. Commanding Officers serve as the final authority for all qualifications achieved under the PQS Program."

(4) COMNAVSURFORINST 1412.1A, Chapter 8, Enclosure (1), Timeline, states, "Officers designated 116X (SWO designator) must obtain SWO qualification within the first 18 months of shipboard service, except as otherwise indicated below:

(a) Commanding Officers may grant an extension of time authorized for final qualification for up to 6 months when one of the following circumstances precludes completion within the 18-month time frame:

(1) Time spent in Regular or Complex Overhaul or Restricted Availability precludes an officer from completing watch station requirements.

(2) The ship's operating schedule does not afford sufficient time underway to complete watch station requirements.

(3) An unusual shipboard assignment, personal hardship, or other unusual circumstance precludes completion within 18 months.

b. Commanding Officers should solicit ISIC assistance as necessary to arrange temporary assignment to operational units to assist in the SWO qualification when the ship is encumbered

by circumstances outlined in paragraph 8a or for any similar situation.

Chapter 9, Approval of Qualification, further states, "only commanding officers of commissioned surface ships may qualify officers as SWOs upon completion of all requirements..."

(5) [redacted] provided the following general prescribed timeline for SWO qualification: "SWOs aim to earn their OOD qualification around their one year mark on board, then go to SWOS in Rhode Island, and earn their SWO pin within a month or two after returning from SWOS. We are supposed to earn our SWO pin within 18 months of checking in." The correctness of this timeline was confirmed by subject matter expert [redacted]. He also stated that the current fleet average time for an ENS to earn a SWO pin is 18.3 months.

(6) [redacted] stated that, when he approached [redacted] regarding [redacted] availability for a SWO board, [redacted] stated, "I don't have time to train Junior Officers." This statement was corroborated by [redacted].

(7) [redacted], stated his opinion that training Junior Officers should be one of a Commanding Officer's highest priorities and a [redacted] should take an active personal interest in such professional development. ([redacted] served as [redacted].) He further stated that a ship assigned to Forward Deployed Naval Forces, as is COWPENS, is afforded more than ample underway opportunity for the crew to earn their qualifications.

(8) [redacted], stated that [redacted] presence during a training evolution negated any training value that may have been offered.

(9) [redacted] stated that aboard the COWPENS "Junior Officer development is non-existent."

(10) [redacted] until October 2008, was asked to describe the training process for Junior Officers under [redacted]. He responded, "I'm not sure there was any process."

(11) Numerous witnesses stated that beginning during an underway period during the summer of 2009, numerous SWO

boards were held and the qualification process appeared to be working well. [b7C] provided a statement that read, "This last underway period we qualified six OODs and three SWOs." Numerous witnesses stated that this improvement was the result of two Junior Officers, [b7C] and [b7C], proactively taking responsibility for mentoring their subordinates. [b7C] was asked to describe how they implemented the program and what role [b7C] played in the implementation. [b7C] responded via email:

In regards to the SWO training plan, if [b7C] did direct us, it was weakly and through the [b7C] and we took the program and made it ours under no direction from the leadership. What was in place was a boring and ineffective program and both [b7C] and I asked to play a bigger role in the program, thus making it more effective and our own program. Throughout our tour, there has been immense documentation but no follow through. Since checking onboard, I had 4-5 officers more senior than myself tracking the progress of junior officers in their SWO qualifications. There was absolutely no push however or advocacy on the part of the ensigns in pushing the command to help us get these qualifications, there were mere spreadsheets to show our faults, but no road to help us get qualified. The [b7C] has had very minimal if any involvement at all in the training process regardless if [b7C] directed it or not, as she claims. [b7C] said quite frankly that [b7C] doesn't have time to train ensigns and played no role in the SWO training program.

[b7C] was asked to whom they "asked to play a bigger role in the program." [b7C] responded: "We asked the [b7C], well basically told him that we were taking over SWO training."

(12) [b7C] was also asked to describe the SWO training process on COWPENS. She responded via email:

As for SWO training/tracking before [b7C] and I took over the program, it was sporadic at best with no follow-through. I just checked through my old emails and found four different trackers from four second tours {division officers} over the course of my first year and a half on board. All the trackers show what quals were earned and in which ones we were dink {IO: delinquent}. No set training program ever came of it, and no one ever

followed through on checking our qualification progress for more than two months (training was not the priority). There was no change to the JO training when the [b7c] came in FEB 2008. [b7c] did begin to conduct leadership training with small groups of ensigns starting in FEB 2009. After [b7c] expressed anguish over lack of dedication to our qualifications as SWOs this summer, the [b7c] came up with a regular training plan that started in JUN 2009 with the [b7c] blessing but he had no help to follow through and training was often not held. In JUL 2009, [b7c] and I became involved in the program as some of our previous duties were passed on to new ensigns. We've been holding regular training and bugging the command for boards ever since.

[b7c] also provided a spreadsheet showing the milestones of the 5 first-tour JOs that had earned their SWO pins up until the underway period in Summer of 2009. This spreadsheet appears below. She stated that she and [b7c] began a new SWO-training program after earning their pins so that their subordinates did not have to face the same difficulties they had. [b7c] stated that [b7c], with the help of [b7c], has assumed responsibility for writing and delivering the watchbill to [b7c] for signature. This was confirmed by [b7c], the [b7c] (The watchbill is typically written and managed by the [b7c]).

	OOD	18 Months	SWOS	SWO	
b7c	FEB 2008	JAN 2009	JUN 2008	SEP 2008	*only one to earn her pin 'on time.' She became OOD qualified under previous CO.
	NOV 2008	DEC 2008	DEC 2008	MAR 2009	*earned pin week and a half before detaching
	SEP 2008	MAY 2008	OCT 2008	MAR 2009	*earned pin two days before detaching
	SEP 2008	FEB 2009	SEP 2008	FEB 2009	*technically earned her pin after her 18 mo mark. We argued for four month to get her board, but it was continuously delayed.
	SEP 2008	FEB 2009	DEC 2008	JUN 2009	*earned at my 22 mo mark, six months after finishing SWOS, after arguing for a board since [b7c] got hers
	FEB 2009	FEB 2009	MAR 2009	JUL 2009	*earned at 23 mo mark
	FEB 2008	JUL 2009	DEC 2008	JUN 2009	*earned 16 months after his OOD board (requa, prior QMC), and 6 months after SWOS

(13) [redacted] emailed the IO a spreadsheet on 29 Sep 2009 labeled "JO Quals." The spreadsheet appears to be a tracker, but it is apparent that it is outdated. It is labeled, "as of 2JUNE2009." At least three SWO-qualified officers are shown as not having completed their OOD-boards (a requirement for SWO-qualification). A look at the "properties" tab of the excel spreadsheet shows it was created on 29 May 2009. [redacted], as a [redacted], reviewed the document and gave the opinion that the tracker was evidence of a weak training program.

[redacted] also provided an unsolicited statement that includes the following passage:

It is the responsibility of the Senior Watch Officer per the SORM (consistent with all ships in the Navy) "to coordinate the training of deck watch standers." The [redacted] has been a weak link, and the [redacted] and I have spent a considerable amount of time managing the program. As a result, we have increasingly relied on [redacted] and [redacted] to run the program for us. We frequently acknowledge our appreciation for their efforts. Just recently [redacted] conducted two lectures for the Junior Officers on ORM and safety mishaps. It was a topic I knew if we assigned it to the [redacted], it would not get done. {The [redacted] is the [redacted] on [redacted].}

(14) [redacted], when interviewed, was asked if he felt the suggestion that he was the "weak link" in the COWPENS SWO training program was warranted. He admitted that it was warranted and stated that he and his fellow department heads do not play a particularly active role in training [redacted] and [redacted] for their SWO qualifications. He cited the OPTEMPO of the COWPENS as one factor that leads to this, as well as the watchstanding duties of the COWPENS Department Heads.

(15) [redacted], was asked for his impression of the training process used by COWPENS to qualify ENS and LTJGs as Surface Warfare Officers. He stated, "There was no process." He went on to remark that the Department Heads on COWPENS, including himself, rarely have time to train or educate the junior personnel. He stated that in his opinion, COWPENS OPTEMPO is not an impediment to the qualification

process, but instead, being underway often presents greater opportunities for training.

(16) [redacted] [redacted] [redacted], stated that while aboard COWPENS in July of 2009, he made a personal observation that the COWPENS SWO training program suffered from numerous deficiencies and was in a "Death Spiral." Among his specific concerns were [redacted] use of an "A-Team" watch team for all special evolutions, thereby depriving other crewmembers of training opportunities, and the non-availability of COWPENS Department Heads for SWO training. He was asked if the OPTEMPO of COWPENS may be responsible for limiting some training opportunities and be a contributing factor to the discrepancies he noted. He stated that he believed that the opposite was true, that the OPTEMPO of COWPENS should present greater training opportunities. He stated that he discussed these concerns directly with [redacted] before departing the ship.

b. Analysis, Discussion, and Conclusion:

(1) Numerous standards cited above place the responsibility for Junior Officer qualifications upon the Commanding Officer. Perhaps most significant of these is NAVEDTRA Instruction 43100-1J, PQS Unit Coordinator's Guide, which states, "Personal involvement by the Commander/Commanding Officer is the key ingredient to a successful PQS program." The evidence reviewed shows that [redacted] failed to meet the responsibilities that these regulations place upon [redacted]. [redacted] statement "I don't have time to train Junior Officers" shows disregard for these standards and is not in keeping with the duties that Navy Regulations demands from a Commanding Officer. According to Subject Matter Experts, not only is the [redacted] required to train Junior Officers, but it should be one of his or [redacted] highest priorities.

(2) Though there has been recent improvement in the SWO training process aboard COWPENS, the evidence demonstrates that [redacted] was delinquent in these requirements for an extended period of time. The facts further demonstrate that the recent improvement is not the result of [redacted] actions, but a result of the proactive professionalism of two Junior Officers that are ensuring that those that follow them aren't subjected to the same broken process that they were. Out of the seven first-tour JOs that qualified as SWOs from the time [redacted] took command to the time that [redacted] and [redacted] turned the process around, only one JO qualified on time (18months), despite a fleet-wide average of 18.3 months, and despite the

fact that COWPENS, as an FDNF ship, is afforded MORE at-sea time to train than fleet-average. Witnesses provided conflicting opinions whether the OPTEMPO of COWPENS was an aid or hindrance to the qualification process, but, as [b7C] stated, the fact is that the OPTEMPO of COWPENS affords ample time underway for Junior Officers to earn qualifications.

(3) The documentation provided by [b7C] does not support the existence of a valid training program. The spreadsheet [b7C] provided is missing numerous pieces of information and shows several JOs as being behind in their quals, yet there is no evidence of any remedial training. While the SORM assigns responsibility to the Senior Watch Officer "to coordinate the training of deck watch standers," Navy Regulations and the PQS Unit Coordinators Guide make clear that the Commanding Officer retains the responsibility for managing and implementing the training program and that the Commanding Officer is the final authority for all quals achieved under the PQS program. It may be true that the [b7C], [b7C], is a "weak link" (by his own admission); this does not excuse the fact that his duties have been assumed by two JOs. Though many of the issues with the qualification process may originate with the Senior Watch Officer, it is incumbent on [b7C] and [b7C] to fix that problem, not allow his weaknesses to develop into a more serious issue that affects the qualifications of Junior Officers. The Commanding Officer is ultimately responsible for the training and timely qualification of Junior Officers. Additionally, the evidence in this allegation shows that the deficiencies in the COWPENS qualification process had been brought to [b7C] attention by [b7C] two months prior to the beginning of this investigation, yet there is no evidence that [b7C] took any steps to correct those deficiencies. [b7C] arrived at the same conclusions regarding the JO training program after speaking with various members of the wardroom while staying aboard the ship for two and a half days (that it is in a "Death Spiral"), as the Investigating Officers did after reviewing the evidence. It is understood that the Commanding Officer of a Guided Missile Cruiser is extremely busy executing the myriad responsibilities of that position. When a program as significant as the qualification of Ensigns and Lieutenants Junior Grades as Surface Warfare Officers is an ISIC-identified weakness, there is no explanation for not taking decisive action to improve that program. Yet the evidence reviewed shows that [b7C] was derelict in [b7C] duty to give proper personal attention to these qualifications. Thus, the allegation that [b7C] was derelict in the performance of [b7C] duties by failing to qualify the newly-reported Ensigns and

Lieutenants Junior Grade as Surface Warfare Officers in a timely fashion from February 2008 through Summer of 2009, in violation of UCMJ Art. 92, Failure to obey an order or regulation, to wit, U.S. Navy Regulations, Article 0821 (Training and Education); OPNAV Instruction 3500.34F, Personnel Qualification Standards (PQS) Program; Naval Education and Training Command (NAVEDTRA) Instruction 43100-1J, Personnel Qualification Standards (PQS) Unit Coordinator's Guide and Commander, U.S. Naval Surface Forces (COMNAVSURFOR) Instruction 1412.1A CH-1, is substantiated.

c. Recommendation: That Commander, Task Force SEVENTY (CTF-70)/Carrier Strike Group FIVE (CSG-5) take action to hold [redacted] [redacted] accountable for violating U.S. Navy Regulations, Article 0821 (Training and Education); OPNAV Instruction 3500.34F, Personnel Qualification Standards (PQS) Program; Naval Education and Training Command (NAVEDTRA) Instruction 43100-1J, Personnel Qualification Standards (PQS) Unit Coordinator's Guide and Commander, U.S. Naval Surface Forces (COMNAVSURFOR) Instruction 1412.1A CH-1

d. Disposition: Forward to CTF-70/CSG-5 for corrective action.

Section 10. Eighth Allegation: That [redacted] was derelict in the performance of [redacted] duties by failing to address waste management problems which resulted in crewmembers disposing of waste by throwing it overboard at night starting in October 2008 and continued through April 2009, in violation of UCMJ Art. 92, Failure to Obey an order or regulation U.S. Navy Regulations, Articles 0825 (Safety Precautions), is unsubstantiated.

a. Facts:

(1) U.S. Navy Regulations Article 0825, Safety Precautions, states, "In any instance where safety precautions have not been issued, or are incomplete, the commanding officer shall issue or augment such safety precautions as are deemed necessary, notifying, when appropriate, higher authorities concerned."

(2) USS COWPENS has a policy in place that personnel are not allowed on the weather decks at night unless they obtain permission from the OOD.

(3) [redacted] was questioned about his role in jettisoning trash at night. He stated that he was never directed to jettison trash while he was AUXO. He states that while he was the [redacted] he used the ship's PWP system, commonly

referred to as the 'pulper', to process all the garbage except the plastics. [DTC] stated that the 'pulper' did not break while he was the [DTC].

(4) In emails between [DTC] and [DTC] on 29 August 2008 and 30 August 2008, [DTC] discusses his concerns with using the 'pulper' as the only means to process the ship's trash. In these emails [DTC] requested that [DTC] bring waste management concerns to the attention of [DTC]. The email from [DTC] to [DTC] on 29 August 2008 shows that [DTC] wanted to obtain permission from [DTC] to dump trash in accordance with OPNAVINST 5090.1B due to the fact that the amount of trash waiting to be pulped was becoming a sanitation issue. [DTC] stated the following:

The answer I got from him was like we don't want to dump during the daytime or something because it looks bad. That's the answer I got from him. I'm not sure where that came from.

(5) [DTC] stated that [DTC], the [DTC] from October 2008 thru June 2009, told him in December 2008, that after the 'pulper' broke she had directed the dumping of trash overboard and had done it at night because she did not want to do it during the day.

(6) [DTC] states the following;
And one of these conflicts, one of the problems we had we were told by the old CHENG that we couldn't jettison the trash over the side during the day because the captain said it looked bad. The problem was we couldn't jettison it at night without-- because we couldn't be on the weather decks at night without captain's permission. And when we called the OODs to jettison it at night, they didn't want to call the captain, so they would just say no.

(7) [DTC] also states that [DTC] was aware of the ship's trash problem because on several occasions she had approached him about scheduling regular times to dispose of the garbage overboard during the day. [DTC] stated that on one occasion [DTC] directed her to take care of the problem and suggested she do it by dumping trash over board at night, [DTC] states that this is the conversation that led her to make the decision to dump trash overboard at night.

(8) [redacted] from Sep 2007 through March 2009, denied the statement made by [redacted] and [redacted] that [redacted] ordered the crew to refrain from disposing of trash overboard during the day "because it looks bad" or for any other reason. He further stated that he never relayed words to that effect to anyone in his Department. [redacted] [redacted] also stated that as the [redacted] he was not involved in the decision for when to dump trash or how to do it and that decision was coordinated through the ship's OOD.

(9) [redacted] was asked, "Did you ever tell the previous [redacted], [redacted], not to throw garbage overboard during the day because it looked bad?" She responded "No."

(10) [redacted] states that on about 21 Mar 09, she made a request to [redacted] that the ship have an instruction that would deal with the waste management problem. [redacted] also states that this request was denied by [redacted].

(11) In an email dated 21 April 09 from [redacted] to the XO, CHENG, and SUPPO, [redacted] stated "waste management was a problem during the last UW {underway} period." She reiterated that [redacted] crew, "follow policies in place (do not go top side at night without [redacted] permission and dump outside 25 nm)." In a written statement provided by [redacted] at [redacted] initial interview {25 September 09}, [redacted] writes that the "pulper" remains broken, resulting in the requirement that COWPENS crewmembers dump trash overboard during daylight. [redacted] wrote, "[redacted] and [redacted] periodically spot check the dumping of trash to be sure it is in accordance with procedures, and is safe."

c. Analysis, Discussion, and Conclusion:

(1) The evidence concerning the allegation that [redacted] failed to properly "augment such safety precautions" with regard to disposing waste from the weather decks of USS COWPENS at night does not support the allegation. There is no evidence that shows [redacted] ordered anyone to not dump waste during daylight hours because "it looks bad" or for any other reason. There is evidence that USS COWPENS Sailors did participate in unsafe evolutions by jettisoning trash overboard at night at the direction of [redacted]. The first time an issue with waste management was raised by [redacted] is found in emails dated 29 and 30 August 2008, these emails are between [redacted] and [redacted]. The emails only show that [redacted] was made

aware of the issue and fail to show that [DTC] had any way of knowing that [DTC] believed he had a waste management problem in August 2009. [DTC] assumed that [DTC] had talked to [DTC] but there is no evidence that supports that assumption. [DTC] states that as a result of this he was not allowed to dump trash overboard during the day and this assumption. [DTC] became the [DTC] after [DTC] left in October 2008. This is the same time the ship's pulper broke and at this time [DTC] made the decision to begin dumping trash overboard at night. [DTC] stated that she based this decision on the assumption that [DTC] had ordered the crew not to dump trash overboard during the day. [DTC] also states that around the same time the pulper broke, that [DTC] told her to dump the trash overboard at night. [DTC] denies that he ever told anyone to dispose of trash at night or that [DTC] had issued an order through him to not dump trash during the day. When the issue was again raised in March 2009 by [DTC], the evidence shows that [DTC] reiterated the need to follow established policies and to do so safely. [DTC] did reject [DTC] request to write an instruction dealing with waste management. [DTC] stated that there was already an instruction in place that deals with waste management and that should be the guidance used by the crew. On 21 April 2009, [DTC] emailed the Department Heads, XO, and CMC and reiterated the need to dispose of trash in accordance with already established policies and to do it during the day.

(2) The fact that the Au [DTC] was unable to develop a better solution via her chain of command to the problem of accumulating waste is indicative of a breakdown in that chain of command. She stated that she knew what she was doing was "against the rules" but she was unable to work with her chain of command to come up with a better solution. It was apparently her sincere belief that [DTC] had ordered that no trash be thrown overboard during daylight, and her chain of command took no action to dispel this notion. This is again a symptom of a dysfunctional chain of command; that a proactive Junior Officer was unable to come up with a better solution than consciously violating a standing order and directing an unsafe evolution.

(3) The preponderance of the evidence does not support the allegation that [DTC] failed to address the waste management problem thereby forcing [DTC] crew to make unsafe decisions. Therefore, the allegation that [DTC] was derelict in the performance of her duties by failing to address

waste management problems which resulted in crewmembers disposing of waste by throwing it overboard at night starting in October 2008 and continuing through April 2009, in violation of UCMJ Art. 92, Failure to Obey an order or regulation U.S. Navy Regulations, Articles 0825 (Safety Precautions), is unsubstantiated.

c. Recommendation: None.

d. Disposition: N/A

Section 11: Interviews and Documents:

a. Interviews:

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b. Documents:

(1)

b7c

- (2) Unsolicited written statement from [b7c]
[b7c].
- (3) Unsolicited written statement from [b7c].
- (4) Unsolicited written statement from [b7c]
[b7c].
- (5) Unsolicited written statement provided by [b7c]
[b7c]. **IO note:** The above documents were all obtained during interviews, when the subject of the interview handed the document to the IOs without being asked.
- (6) Written statement from [b7c], requesting that the investigators contact [b7c] as witness.
- (7) COWPENS Command Climate survey, both statistical analysis and written comments.
- (8) Numerous written statements that [b7c] submitted following [b7c] interview. These included written responses to the allegation, an [b7c]
[b7c], POD notes, and a list of witnesses [b7c] requested the IOs contact.
- (9) Unsolicited emails from retired [b7c], who served aboard [b7c] under [b7c], and [b7c], [b7c]
[b7c].
- (10) Emails received from [b7c] and [b7c]
[b7c] in response to follow up questions asked by the IO.
- (11) COMPACFLT Retention Honor Roll message for third Quarter, Fiscal Year 2009, showing COWPENS as being on the Retention Honor Roll.
- (12) Suicide statistics from COWPENS showing no suicides/attempted suicides from Fiscal Year 2006 through October 2009.